2: Schapera E-4, 5 (no date) 1930
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836 of the camp, and thus received the stamp of publicity and recognized usage.[1] Nowadays the restrictions on premarital intercourse are more loosely observed, and the lovers are apparently not punished. [864] Schultze even goes so far as to say that boys and girls often have sexual intercourse while they are still playing children's games, and no special notice of this is taken by their elders.[2] Should pregnancy 848 follow, however, the father of the child is expected to marry the mother. Even if he does not do so, he is responsible for the sustenance of the child while it is being weaned, and has to provide the mother [684] with some cattle or money for this purpose. If he refuses, he is taken before the tribal council and compelled to do so, and may even be flogged. The payments cease when the child has been weaned. It then belongs to the father, and may be taken away by him. Premarital children are said to have the same rights of inheritance from their father as those born in wedlock.[3]

684 Rape is severely penalized. If the victim is a child, the violator, according to Wandres, suffers the death penalty; if she is a virgin, or even a girl who had previously been deflowered, he is thrashed and all his property confiscated; while if she is a married woman her husband has the right to kill him without fear of retaliation. 684 Incest, between either parents and children, brother and sister, or 835 even the children of brothers and sisters ("Geschwister") is punished by death.[4]

572 The occurrence of homosexuality among the Hottentots is denied 838 by both Wandres and Fritsch.[5] Kurt Falk, however, maintains that it is fairly common, among both men and women, and especially among young married women.[6] There exists among the Naman a

[1] Schultze, *Aus Namaland und Kalahari*, 298, 319; cf. Hahn, "Die Nama-Hottentotten," 332.
[2] Op. cit., 309.
[3] Kohler, "Das Recht der Hottentotten," 348; Wandres, "Ueber das Recht der Naman," 669; Vedder, "The Nama," 144, 145.
[4] Loc. cit. Intercourse between direct cousins, here said to be treated as incest, is now apparently no longer condemned, as at the present time they may even marry; while marriage between cross-cousins, also included by Wandres under his definition of incest, was always permitted. Kolb (op. cit., 73) also affirms that incest, by which he means especially intercourse between parents and children, is punished by death; while Hahn, commenting upon the myth relating how the hero-god Heitsi-Eibib committed incest with his mother, says: "The laws and customs of the Namaquas are against incest in any form. In the last thirty years only three cases, and those among the so-called Orlam tribes, have happened. Here, certainly, we have the fact of the contact with civilized races having proved fatal to the morals of the Aborigines. When these cases happened there was throughout Great Namaqualand a general outcry against the criminals; they were punished most severely, thrown out of society, and a gloom cast over the whole tribe to which they belonged" (*Tsuni-||Goam*, 135).
[5] Wandres, loc. cit.; Fritsch, in F. Karsch-Haack, *Das gleichgeschlechtliche Leben der Naturvölker* (1911), p. 133.
[6] "Homosexualität bei den Eingeborenen in Südwest-Afrika," *Geschlecht und Gesellschaft*, xiii (1925–6), 209–10.

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428 temporary service rendered him by the newly-married husband. He also inherits a greater portion of his father's estate than do the other children. In particular he acquires all the live stock, with the exception of those animals previously allocated by the father during his lifetime to other sons and daughters. These animals with their increase pass at the division of the estate into the full possession of the children for whom they had been set aside. The rest of the property—presumably the material objects—is divided equally between all the children, under the supervision of the chief. The widow, however, retains all the objects brought by her into the marriage (this would, therefore, include the hut), as well as everything, including cattle, given her by her husband during his lifetime. Here, it will be noticed, all the children, both sons and daughters, participate to some extent in the inheritance, and the concept of individual possession is fully illustrated in both the distribution of the goods and the retention by the widow and minor heirs of property acquired by them from the dead man during his lifetime.[1]

Wandres, and following him Vedder, specifies more minutely, and also somewhat differently, the Nama laws of inheritance. If a man dies his wife and all his children, sons and daughters, are heirs in equal portions. The estate may not be divided as long as the widow is alive, unless she wishes to return to her own people. The inheritance is then distributed by the chief, and the widow receives her portion, together with that of the youngest child, whom she takes with her. If the wife dies before the husband, her property is inherited by him and the children, i.e. it remains in the family. When both the parents are dead, the estate is divided up by the chief, who is compensated for his task, which is often by no means a sinecure. The estate is divided equally amongst the children, sons and daughters alike, the eldest son being regarded as the trustee, under the supervision of the father's eldest living brother. Children born to a woman before marriage normally pass into the possession of their real father, and therefore do not inherit from the man she subsequently marries. The illegitimate children of a man, on the other hand, are entitled to the same share of his estate as his other children. Children born to a woman in adultery can also inherit from her husband, if he pardons her and adopts them.

[848] [848]

429 If the children are still minors, their nearest male relative or the grandparents on either side act as their guardians and as the trustees

[1] Schinz, op. cit., 100; von François, op. cit., 216–17; Kohler, op. cit., 344–347.

5: Vedder M-5 (ca. 1910) 1928
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their herds or lived, are regarded as territory of the tribe. 423
At present these disputes do not occur any more since tribal possession of land has ceased to exist and reserves have been granted to individual tribes as usufruct and not as property. Consequently it is of no further interest to consider these old rights. They had rights of pasturage, honey, hunting, springs and water, etc., but these have ceased to exist. The Administration fixes legal boundaries for their reserves.

8. The facts with reference to hereditary rights are, how- 428
ever, quite different, for up to now the legislation of the Administration has not tampered with the rights of inheritance among the Nama—a fact which is very pleasing. As has been said, the chieftainship is inherited from the father [643]
by the eldest son. In case the chief has no sons, the sons of the eldest brother of the chief are the nearest relations entitled to the inheritance. The children inherit everything from their parents, the heritage being divided equally amongst the sons and daughters and the eldest son is regarded as the administrator of the estate under the supervision of the eldest living brother of the father.

If the children are still under age and the grandparents 429
are still alive, then they act on behalf of the guardian and take the orphans and their heritage to themselves. When childless parents die, their parents take possession of their 428
estate. When they also are dead, the chief divides the estate among the relatives, the following order being observed: the eldest sister of the husband, the brothers of the father of the late man, the sisters of the father, the sisters of the mother, the children of the brothers of the deceased, the children of the remaining sisters of the deceased, the children of his mother's sisters.

Illegitimate children of the man are entitled to an inheri- 428
tance just as the other children. Illegitimate children of the 848
mother have no claim to the inheritance as they belong to their father's family, who was obliged to support them in their first years and had taken care of them after that.

They could only depart from this law of inheritance on the oral testimony of the testator arranging it. They usually abided conscientiously by such stipulations in reverence for the deceased; and fear that the deceased might take revenge for their not complying with the stipulations of his will played no part in it.

X. Civilisation and Modern Times.

The nomadic Nama tribes had already been affected by 177
European civilisation from three different sides a hundred years ago. There were the Orlam tribes who immigrated gradually towards the beginning of last century, then the hunters and traders who travelled through the country and lastly the missionaries. It might seem strange that the

8: Dapper Q-4 (no date) 1933
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Once she is pregnant, the marriage must be hastened on, no matter how bad a person the lover is, in order to restore the honour of the girl; for it is a great scandal there to have an illegitimate child, although sometimes it does actually occur. 836 [848]

INCEST.

Should anybody, however rich or poor he may be, commit incest, be it a son with his mother, a brother with his sister, a father with his daughter, or any other pair of relatives, they regard this as extremely serious indeed, and hold that these two people cannot be punished too severely. According to them it is an unforgivable offence, although they are not aware that any sin has been committed, or that God (whom they do not know) has been angered; only they have the inborn knowledge that a great wrong and evil has here been done. The offenders are killed in the following manner:— 684

The man, his hands and feet all drawn together and knotted fast, is first plunged into a pit, and the woman also put there. On the following day he is taken out, still fastened up, and put under a tree. He is tied by the neck to a strong branch, which some men pull and hold down. His bonds are then slackened, and his limbs cut off one by one; until the body, after enduring so many tortures, is completely dead and no longer looks human. Then they let the branch fly up again into the air with the truncated body attached to it, to remain hanging there as a sign and warning to other evildoers.

After the man has been done to death in this way, the woman is also taken out of the pit, her hands and feet tied fast to one another. She is placed inside a well-arranged circle of many dry bushes, and there burned to ashes. From this can be deduced that these blind heathen yet know that such mortal offences must be punished to the utmost, even although no veneration can be observed amongst them save to a certain *'s Hamma*, as will be related below.